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March 4, 2005

**Via Certified Mail, Return Receipt Requested  
and Via Facsimile (214) 665-7330**

Samuel J. Coleman  
Director, Superfund Division  
6SF  
U.S. EPA Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Re: Gulfco Marine Maintenance Site--Response to Barbara Nann's Electronic  
Correspondence of February 28, 2005

Mr. Coleman:

This letter responds to Ms. Nann's E-mail of February 28, 2005, sent to me, Bill Mahley and Allen Daniels regarding the Gulfco Marine Maintenance Site (the "Site"). I am responding on behalf of The Dow Chemical Company ("Dow"), Chromalloy American Corporation ("Chromalloy"),<sup>1</sup> and LDL Coastal Limited, L.P. ("LDL"). Ms. Nann's E-mail correspondence asked for a response from the parties by Friday, March 4, 2005.

As you know, Governor Perry has requested EPA's concurrence to allow the Site to be addressed under the TCEQ's Voluntary Cleanup Program ("VCP"). A copy of the Governor's letter to Administrator Greene is attached hereto. The parties' commitment to investigate and clean up the Site under the Texas VCP, as detailed in the parties' letter of February 23, 2005, is consistent with the Governor's request. You have asked the parties to commit by today to an Administrative Order and scope of work that you have declined to provide. This request is inconsistent with the approach the Governor has asked the agency to consider. The parties cannot agree to negotiate on this basis. Dow, Chromalloy and LDL believe the February 23<sup>rd</sup> letter was sufficiently detailed to advise EPA of the parties' commitment and financial ability to perform the Site investigation and cleanup under the VCP, the cleanup standards proposed and the time frames for completing the work. These were the specific issues that you asked the parties to address in a written commitment during our meeting of February 16, 2005.

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<sup>1</sup> Chromalloy was identified as Sequa Corporation in the parties' February 23, 2005 letter.

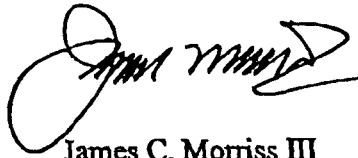
Mr. Samuel J. Coleman  
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We understand that you require additional information about the process by which the Site would ultimately be delisted. As explained in our meeting, the National Contingency Plan ("NCP") provides that a site shall be delisted when all appropriate response actions required have been implemented. See 40 C.F.R. § 300.425(e)(1)(i). The Memorandum of Agreement between EPA and the TCEQ regarding the VCP states that the VCP shall ensure that voluntary response actions are protective of human health and the environment. The assessment and mitigation measures are to be conducted consistent with applicable Federal and State law. Thus, an investigation and cleanup completed under the VCP can satisfy the delisting requirements in the NCP as all appropriate response actions required will be taken. We have acknowledged that EPA Region 6 and the TCEQ would have to agree to allow the Site to enter the VCP. The TCEQ supports the approach. The process, while perhaps innovative, is straight forward.

Thus, the parties again ask EPA to consider the parties' commitment and proposal to address the Site under the Texas VCP as detailed in their prior letter and as now requested by the Governor. We look forward to the opportunity to meet with you, Mayor Greene, and Deputy Administrator Starfield on Monday to discuss the parties' proposal and the Governor's request. If we can answer any questions you have regarding the parties' proposal prior to Monday's meeting, please let me know.

Thank you for your consideration of this request.

Very truly yours,



James C. Morriss III

Enclosure

JCM/sag

cc: *Via Facsimile*

Ms. Barbara Nann, US EPA Region 6  
 Mayor Richard Greene, Regional Administrator, US EPA Region 6  
 Larry E. Starfield, Deputy Regional Administrator, US EPA Region 6  
 Zak Covar, Natural Resource Advisor, Office of the Governor  
 Allen B. Daniels, LDL Coastal Limited, L.P.  
 F. William Mahley, Strasburger & Price  
 Brent Murray, Sequa Corporation  
 Sandi VanWormer, Dow  
 Scott Magelssen, Dow